

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

CHAPTER 2

RETIREMENT OF OFFICERS ON ACTIVE DUTY

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CHAPTER 2

RETIREMENT OF OFFICERS ON ACTIVE DUTY

2001. GENERAL

1. This chapter outlines policies and procedures governing retirement of officers on active duty. Retirement of Reserve officers not on active duty and disability retirements are covered in chapters 3 and 8, respectively. For the purposes of this chapter the terms "statutory", "mandatory", and "involuntary" are used interchangeably.

2. The statutory authority for retirements rests in 10 U.S.C. as amended by Public Law 96-513, Defense Officer Personnel Management Act (DOPMA), which took effect 15 September 1981, and Public Law 102-190, Warrant Officer Management Act (WOMA), which took effect 1 February 1992. Grandfathering provisions of DOPMA mandate retirement, in certain instances, under pre-DOPMA law based on the individual case. Officers requesting voluntary retirement and those subject to statutory retirement are retired under the provisions of law that apply.

a. Retirement Under Prior Law (Pre-DOPMA). Lieutenant colonels and above commissioned prior to 15 September 1981 will be retired under provisions contained in pre-DOPMA law, unless continued on active duty under such regulations as the Secretary of the Navy may prescribe.

b. Retirement Under DOPMA. First lieutenants to majors commissioned prior to 15 September 1981, and first lieutenants and above, commissioned since 15 September 1981, will be retired under DOPMA.

c. Retirement Under WOMA. All active duty Marine Corps warrant officers will be retired under WOMA.

2002. DEFINITIONS

1. Advancement on the Retired List. Per 10 U.S.C. section 6151, officers who previously served satisfactorily under a temporary appointment to a higher grade, upon retirement, will be advanced on the retired list to the highest grade satisfactorily held, as determined by the Secretary of the Navy. Warrant officers will be advanced to the highest grade served satisfactorily under 10 U.S.C. section 6334, when active service plus service on the retired list totals 30 years. Retired pay will be based on the grade held at retirement, or to which advanced on the retired list, whichever results in higher pay.

2. Qualifying Service for Retirement. Officers who meet the following service criteria are eligible for voluntary retirement:

a. Commissioned Officers. Must serve 20 years and 1 day of active service, 10 years of which must be active commissioned service, per 10 U.S.C. section 6323. This applies to Regular commissioned officers and Limited Duty Officers.

b. Warrant Officers. Must serve 20 years active service, per 10 U.S.C. section 1293.

3. Safety Zone. Term used to identify officers and warrant officers subject to statutory separation, but by virtue of being within 2 years of attaining retirement eligibility on or before their mandatory discharge date, shall be retained on active duty until qualified for retirement unless sooner retired or discharged under another provision of law.

4. Total Commissioned Service

a. Pre-DOPMA. For officers in the grade of lieutenant colonel and above, commissioned prior to 15 September 1981, commissioned service is measured from 30 June of the fiscal year in which an officer was appointed a commissioned officer. Per 10 U.S.C. section 611, part C, section 624, all commissioned service, both inactive and active, prior to 15 September 1981 counts for this computation and in determining years of service for mandatory retirement. This definition only applies when determining the mandatory retirement date of lieutenant colonels and above who were commissioned prior to 15 September 1981. See subparagraph 2001.2a.

b. DOPMA. For lieutenant colonels and above commissioned after 15 September 1981, only active commissioned service is used to determine the mandatory retirement date. See subparagraph 2001.2b.

2003. VOLUNTARY RETIREMENT

1. Criteria. Officers with more than 20 years qualifying service may request retirement subject to the following criteria:

a. Service-in-Grade (SIG). Also referred to as time-in-grade (TIG). Officers must meet the applicable SIG requirements below:

(1) DOPMA/WOMA. Chief warrant officers, and commissioned officers in the grade of second lieutenant or above (time/service spent in a frocked status does not apply), must serve:

<u>GRADE</u>	<u>REQUIREMENT</u>
CWO-2 - CWO-5	2 Years
2dLt, 1stLt	6 Months
Capt, Maj	2 Years
LtCol - MajGen	3 Years

(2) Waivers. The designated approval authority may waive any portion of the TIG requirement in individual cases involving extreme hardship or exceptional circumstances, except the minimum period for the grades specified as indicated below:

<u>Grade</u>	<u>Approval Authority</u>	<u>Minimum TIG</u>
CWO-2 - CWO-5	Secretary of the Navy	30 days
2dLt - Maj	Secretary of the Navy	6 months
LtCol & above	President	6 months

b. Additional Obligated Service. Officers attending school under various programs or who receive special training in compliance with official orders must complete the additional service obligation incurred.

(1) Service Schools

<u>School/Duration</u>	<u>Service Obligation</u>
20 weeks or more	2 years
Less than 20 weeks	1 year
MAWTS-1/WTI	2 years

Note: All service obligation begins upon completion of the school. The service requirement is applicable to any officer who fails to complete any such school and will start on the date of transfer from the course.

(2) Education Programs

(a) Additional service obligation incurred incident to education programs are as prescribed by the appropriate Marine Corps directive in effect at the time of selection for the College Degree Program, Special Education Program, Advanced Degree, Funded Law Education Program, Excess Leave Program (Law), or other full-time, funded schooling.

(b) Tuition Assistance. Service requirement is 2 years from the date of completion of any course for which tuition assistance is provided. Commanders are responsible for identifying to the CMC (MMSR) and CMC (MR) all officers having incurred a tuition assistance service obligation that request retirement. Officers subject to this obligation may be considered for retirement if a request for waiver is submitted, and the officer pays back at a prorated rate the tuition assistance used. Officers subject to mandatory retirement are obligated to pay back a prorated rate of the tuition assistance used. For further information contact CMC (MR).

(3) Special Tours. A two-year service obligation is incurred upon completion of duty in an aviation or aviation ground exchange tour with a foreign military service or another branch of the US military service. These tours include but are not limited to USAF exchange tours, the Navy Flight Demonstration Team tour, Royal Navy exchange tours, Royal Australian Air Force exchange tours, Spanish Navy exchange tours, Italian Navy exchange tours, and Canadian Navy exchange tours.

c. Tour Length/Minimum Time on Station (TOS)

(1) CONUS. Officers must complete 2 years TOS, except for those returning from overseas which require 1 year TOS, based on the geo-location date the current tour began (GEO DCTB) as established in MCTFS. Use the original GEO DCTB for officers reassigned within the same geographical area. Whenever PCS orders are issued (no cost, low cost, or fully funded) and those orders result in a change of geo-location, the member incurs the requisite obligated TOS requirement per MCO P1300.8. See paragraph 2004.3.

(2) Overseas/Prescribed Tour Length. Officers serving overseas or on tours whose length is prescribed by MCO P1300.8, Marine Corps Personnel Assignment Policy, must complete a full tour.

d. PCS Orders

(1) Officers who have been issued, or notified they will receive PCS orders may request cancellation of the pending assignment provided a request for retirement is submitted per the following paragraphs.

(a) Officers eligible to retire may request a retirement date on or before the first day of the month after the effective date of their expected arrival at the new duty station.

(b) Officers not eligible to retire, but who will be eligible within 12 months of their expected date of arrival at the new duty station, may request a retirement date on the first day of the month after initial eligibility.

(c) Retirement requests involving cancellation of PCS orders must be forwarded to the CMC (MMSR-2) via naval message, with the CMC (MMOA) as an information addressee. Submit the request no later than 10 working days after receipt of orders. Requests that do not comply with this criteria will not normally be given favorable consideration.

(2) Officers with more than 12 months before initial eligibility for retirement will be required to execute PCS orders and complete the required minimum tour at the new duty station.

e. Contact Relief/Critical Skill. Requests for retirement from officers serving in billets which require contact relief for special qualifications or who are considered to possess a critical skill may be deferred up to 12 months pending proper relief/assignment action.

2. Waiver of Criteria

a. An officer requesting waiver of any criteria must submit a written request with justification via the chain of command to the CMC (MMSR-2).

b. Except as noted in subparagraph 2003.2d below, requests must be based upon hardship or humanitarian considerations and should include the information required by paragraph 6407. Only cases that clearly establish that a situation exists which is not of a temporary nature and is not susceptible to relief by other means will be favorably considered.

Opportunity for civilian employment does not warrant waiver of the criteria.

c. Requests for waiver of the minimum TIG requirement must be submitted to the Secretary of the Navy via CMC (MMSR-2) for approval; they will not normally be given favorable consideration.

d. Requests for retirement requiring a waiver may receive favorable consideration if an officer:

(1) Has qualifying service and is considered twice failed of selection for promotion to the next higher grade;

(2) Is a Reserve officer eligible for retirement whose active service is no longer required;

(3) Has been identified by the CMC as being of limited assignability, such as those whose general health has deteriorated, or due to a condition beyond their control, whose continued service is not clearly in the interest of national security consistent with SECNAVINST's 1920.6 and 5510.30; or,

(4) Has an extreme hardship or exceptional circumstances of a long term nature and retirement would significantly alleviate the condition per the criteria of paragraph 6407.

3. Voluntary Retirement in a Lower Grade. Retirement requests submitted by officers who have not satisfied the minimum active duty TIG requirement for retirement in that grade, will only be approved if the Secretary of the Navy grants retirement in a lower grade based on criteria specified in SECNAVINST 1811.3.

2004. ADMINISTRATIVE PROCEDURES

1. Submission of Requests. Submit requests for voluntary retirement, not requiring waivers, via the unit diary system in MCTFS per MCO P1080.40, Marine Corps Total Force Personnel Reporting Instructions Manual (MCTFSPRIM). The officer requesting retirement will be required to sign a copy of Appendix J from this Manual for inclusion in the service record. Requests for retirement will be submitted not more than 14 months and not less than 4 months prior to the requested retirement date. Requests submitted outside this time frame will not be accepted in MCTFS and therefore must be submitted, with justification and appropriate endorsements, by separate correspondence or message to the CMC (MMSR-2).

2. Officers requesting retirement are cautioned not to make significant personal commitments (such as buying or selling a house or business, or accepting civilian employment) based upon mere submission of a request. Problems which may arise from such premature commitments will not be used as a basis for approving an officer's request, nor will they be considered a hardship.

3. An officer requesting waiver of criteria per paragraph 2003.2 must submit requests via separate correspondence or message with justification and endorsements via the chain of command. Retirement requests requiring a waiver and submitted solely by unit diary or without justification and command endorsement will be filed without action and the officer so notified.

4. Officers serving overseas may request retirement effective the first day of the month and no more than 60 days following their RTD. See paragraph 1006.5. Officers stationed OCONUS, who desire retirement upon reaching their RTD, may return to CONUS to effect retirement at any one of the specified locations in paragraph 1006.3 and must indicate their selection (MCC) in the request. Return to CONUS orders (MCC W95) are issued by the CMC (MMOA).

5. Commanding Officer Responsibilities

a. Submission of Request

(1) Ensure the request is submitted 4 to 14 months from the effective date. Unit diary entries outside this window will not process.

(2) Ensure the requested retirement date meets the criteria in paragraph 2003.1.

(3) Sign the pre-application checklist (Appendix J) to certify that the Marine has been advised of the ramifications of the request to retire prior to the request being submitted to Headquarters Marine Corps.

b. Survivor Benefit Plan (SBP). Counsel the officer and spouse concerning options under the SBP.

(1) The commanding officer is responsible, prior to the Marine's detachment from the command and at least 30 days prior to the effective date of retirement, for forwarding the DD Form 2656, Retired Pay Data Form, with SBP election, tax withholding information, and a permanent mailing address to the:

Defense Finance and Accounting Service
Cleveland Center (Code ROCAC)
P.O. Box 99191
Cleveland, Ohio 44199-1126

(2) A Marine is automatically enrolled in SBP with full coverage absent an election form with spousal concurrence for other than full coverage.

(3) SBP elections are made on the Retired Pay Data Form.

(4) An election not to participate in SBP, election for coverage of spouse and child, child only, or election for coverage on a reduced base amount, must be documented on the Retired Pay Data Form.

(5) Elections other than full coverage require spousal concurrence.

(6) If no election is made prior to effecting retirement, the Defense Finance and Accounting Service (DFAS) will automatically grant full SBP coverage and adjust the Marine's retired pay accordingly. See MCO 1741.11.

c. DEERS Information. Ensure that family member information in DEERS is current and accurate.

d. Counsel the Marine concerning their potential for recall to active duty and/or mobilization.

6. Once a request is submitted, notify the CMC (MMSR-2) by message if the officer is:

a. Found not physically qualified will not terminate processing action by the CMC (paragraphs 2007 and 8604.2). However, retirement orders and other documents will be held in abeyance, if not issued. If issued, the command will hold the retirement orders and documents pending instructions from the CMC (MMSR-2). If the officer is subsequently found fit to retire, immediately notify the CMC (MMSR-2). If the officer is referred to the Naval Disability Evaluation System, notify the CMC (MMSR-2) and return all retirement orders and documents. See chapter 8 for disability retirement processing.

b. Deceased.

c. Reassigned.

d. Promoted (or selected).

7. Receipt and Processing at HQMC. See Appendix F for detailed instructions on the use of the unit diary system in MCTFS for retirement processing.

a. Request Submission. Acceptance of the unit diary request will be indicated on the reporting unit's Diary Feedback Report (DFR) and the Transaction Researcher File (TRF). A "request" reenlistment-extension-

retirement (RER) flag will post in MCTFS indicating a request submission. Additionally, a planned reenlistment-enlistment-retirement date will post

reflecting the requested retirement date. The officer should maintain liaison with the appropriate unit administrative personnel until request acceptance is confirmed via the DFR.

b. Acknowledgment. A "request" RER flag does not indicate receipt at this Headquarters. The CMC (MMSR-2) acknowledges receipt of the request by entering a "pending" RER flag in the unit diary. It will reflect in the unit's DFR. Additionally, a preretirement package is mailed to the officer concerned via the parent unit within 10 working days of receipt of the request.

c. Approval Authority. The Secretary of the Navy is the approval authority for retirement requests. For routine retirements, this authority has been delegated to the Deputy Chief of Staff, Manpower and Reserve Affairs. Staffing requires approximately 60 days to obtain approval, initiate billet replacement action, calculate a statement of service, and prepare necessary letters and certificates.

d. Effective Date. The effective date may be changed when, in the best interest of the Marine Corps, a delay is necessary to provide time for orderly relief, for completion of the current tour or an ordered tour of duty, or if the officer is subject to mandatory retirement.

e. Disapprovals. Should a retirement request be disapproved, notification of the disapproval will be reflected on the unit's DFR by a corresponding "disapproved" RER flag. Additionally, a message will be issued and sent through the chain of command.

f. Approval Authority. The CMC (MMSR-2) will post approvals in MCTFS, which will reflect on the unit's DFR with an "approved" RER flag. Written authority to release or issuance of orders is no longer provided for lieutenant colonels and below. The "approved" RER flag is the authority to release. The responsible order writing unit will issue orders. The CMC (MMSR-2) will issue orders for all colonels and above.

g. Mandatory Retirements. The CMC (MMSR-2) will issue authority to retire via naval message for all mandatory retirements no later than 4 months prior to the effective date when the officer concerned fails to otherwise request voluntary retirement.

8. Modification or Cancellation of Requests

a. Submit requests to modify or cancel a retirement, with justification and endorsements, via separate correspondence or message to the CMC (MMSR-2) not later than 45 days prior to the effective date of retirement. Requests for modification or cancellation can not be submitted by unit diary. Approval will be based on the following criteria:

- (1) Bona fide humanitarian or hardship circumstances.
- (2) A critical need exists for the officer's grade and MOS which cannot reasonably be filled through the normal promotion process.
- (3) Needs of the service.
- (4) Selection for promotion.

b. Requests for modification or cancellation from officers whose request for retirement resulted in either cancellation or nonissuance of orders, or in being slated to retire on the annual officer slates, will not be favorably considered.

c. Modification of any duration may be requested; however, as a general rule, the effective date of the requested modification should not exceed 14 months from the date of submission of the original request. If the new date is outside this window, request cancellation vice modification.

d. Modifications or cancellations requested after an officer has started separation leave, or after replacement action by this Headquarters has been initiated, will only be considered if a bona fide humanitarian or hardship circumstance exists.

9. Retirement Orders

a. Colonels and above are issued orders from CMC (MMSR-2). Lieutenant colonels and below receive orders from their command upon receipt of authority to retire via the unit diary approval entry from the CMC (MMSR-2), per figure 2-1.

b. Once a request has been approved, only the CMC (MMSR) may authorize revocation or modification. Such action must take place prior to the effective date of retirement. Once the effective date of retirement has passed, the retirement is effective.

c. Certificate-in-Lieu of Orders. Certificates-in-lieu of orders are illegal. See ALMAR 342/97.

2005. MANDATORY RETIREMENT

1. Since numerous statutes govern mandatory retirement, officers must understand which statutes apply in their case and the distinction between active commissioned service, active service, and total commissioned service. Paragraphs 1002 and 2002.4 define these terms. As groups of officers are treated differently under 10 U.S.C., this section will be separated into unrestricted officers, limited duty officers, and warrant officers.

2. Unrestricted Officers

a. Generals, Lieutenant Generals, and Major Generals. Per 10 U.S.C. section 636, generals, lieutenant generals, and major generals shall if not earlier retired, be retired on the first day of the month after their fifth anniversary of appointment to that grade, or upon completion of 40, 38 or 35 years of commissioned service respectively, whichever is later. Subject to the needs of the service, under sections 637 and 1251, the President may defer the retirement of major generals and above, but no later than the first day of the month following the month in which the general reaches age 64.

b. Brigadier Generals. Per 10 U.S.C. section 635, brigadier generals, who are not on a list of officers recommended for promotion, shall if not earlier retired, be retired on the first day of the month after their fifth anniversary of appointment to that grade, or upon completion of 30 years of commissioned service, whichever is later.

c. Colonels. Per 10 U.S.C. section 634, colonels, who are not on a list of officers recommended for promotion, shall if not earlier retired, be retired on the first day of the month after the month in which they complete 30 years of active commissioned service. However, colonels subject to mandatory retirement who were commissioned prior to 15 September 1981, shall be retired no later than 1 July of the year following the month in which they reach 30 years of total commissioned service. See paragraph 2002.4.

d. Lieutenant Colonels. Per 10 U.S.C. section 633, lieutenant colonels, who are not on a list of officers recommended for promotion, shall if not earlier retired, be retired on the first day of the month after the month in which they complete 28 years of active commissioned service. However, lieutenant colonels subject to mandatory retirement who were commissioned prior to 15 September 1981, shall be retired no later than 1 July of the year following the month in which they reach 28 years of total commissioned service. See paragraph 2002.4.

e. Majors, Captains, and First Lieutenants. Per 10 U.S.C. section 632 and 631, majors, captains, and first lieutenants who have twice failed selection for promotion to the next higher grade shall be discharged or retired not later than the first day of the seventh month after the month in which the President approves the report of the board on which they failed selection a second time.

(1) If they are not eligible for retirement, but are within two years of qualifying for retirement, they will be continued until retirement eligible, unless sooner discharged or retired under another provision of the law. See paragraph 2002.3 (Safety Zone).

(2) If they are not within two years of qualifying for retirement they will be involuntarily separated (see chapter 5), unless they are continued per 10 U.S.C. section 637, as detailed in paragraph 2005.2(f) below.

f. Continuation of Commissioned Officers. The continuation of officers subject to discharge or involuntary retirement is included in DOPMA as a discretionary provision to permit the services to meet manpower requirements. DOPMA prescribes that continuation boards may be convened at the discretion of the Secretary of the Navy. Officers in the grade of captain and above, subject to discharge or involuntary retirement under pre-DOPMA or DOPMA, are eligible. An officer not considered or selected will be discharged or retired as prescribed by law. Unless solicited by the CMC, individual requests for selective continuation will not be considered or forwarded. Absent a Marine Corps-wide program, requests are filed without further action. The maximum period a commissioned officer may be continued on active duty under DOPMA after the decision of a continuation board is:

(1) Captains. A period not to extend beyond the last day of the month of 20 years active commissioned service.

(2) Majors. A period not to extend beyond the last day of the month of 24 years active commissioned service.

(3) Brigadier Generals, Colonels, and Lieutenant Colonels. Per 10 U.S.C. section 1251, any deferral of retirement and continuation on active duty under section 637, for officers in the grades of lieutenant colonel to brigadier general, shall be for a period not to exceed 5 years, but such period

may not extend beyond the first day of the month following the month in which the officer becomes 62 years of age.

(4) Period of Continuation. The specific terms of continuation will be the subject of separate correspondence between this Headquarters and the officer continued. Continuation for one period does not guarantee a second period.

(a) DoD policy directs that majors within 6 years of retirement eligibility be continued until retirement eligible.

(b) Marine Corps policy is to not involuntarily separate majors , except for show cause or court-martial proceedings, until retirement eligible.

g. Selective Early Retirement of Commissioned Officers. The Secretary of the Navy may convene a selection board under 10 U.S.C. 611(b) to recommend regular commissioned officers for early retirement as prescribed in 10 U.S.C. 638, whenever the needs of the Marine Corps require. The following provisions apply:

(1) Officers may be excluded from consideration if they have an approved request for voluntary retirement, or are subject to mandatory retirement during the fiscal year in which the selective early retirement board is convened or during the following fiscal year.

(2) No more than 30 percent of the officers considered in each grade in each competitive category may be selected.

(3) Officers selected will be retired no later than the first day of the seventh month following the month in which the Secretary of the Navy approves the report of the board.

(4) Only officers who have twice failed of selection to the next higher grade will be considered eligible.

h. Retirement for age. Unrestricted officers, brigadier general and below, unless retired earlier under some other provision of law shall be retired on the first day of the month following the month in which they become 62 years of age.

3. Limited Duty Officers (LDO)

a. Officers Designated for Permanent Limited Duty. Mandatory retirements and discharges of Permanent LDOs are stipulated under 10 U.S.C. section 6383, as well as SECNAVINST 1920.6B.

(1) Each Regular officer of the Marine Corps designated for permanent limited duty shall be retired on the earlier of the following dates:

(a) The last day of the month following the month in which the officer completes 30 years active naval service, exclusive of active duty for training in a Reserve component; or,

(b) A date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh month after the month in which the President approves the report of a selection board in which the officer failed of selection for promotion a second time.

(2) A permanent LDO who has twice failed selection, but is within two years of qualifying for retirement, will be retained until eligible for

retirement unless sooner discharged or separated under another provision of the law. See paragraph 2002.3 (Safety Zone).

(3) An officer designated a permanent LDO no longer carries the previously held warrant officer or enlisted grade. However, a permanent LDO who has twice failed selection and is subject to involuntary separation, may at the LDO's option, revert to the warrant officer status held when first appointed an LDO; or, if appointed from an enlisted grade, be reenlisted at the LDO's request, and at the discretion of the Secretary of the Navy.

(4) A permanent LDO may not be continued past age 62.

b. Officers Designated for Temporary Limited Duty. Mandatory retirements and discharges of Temporary LDOs are stipulated under 10 U.S.C. section 1370, section 580 if reverted to warrant officer, Enlisted Career Force Controls as shown in Chapter 7 if reverted to enlisted grade, and SECNAVINST 1920.6B if administratively separated.

(1) The appointment of a temporary limited duty officer (LDO) not selectively continued on active duty per SECNAVINST 1412.9A will be terminated on the earlier of the following dates:

(a) The last day of the month after the month in which the officer completes 30 years of active naval service, other than active duty for training; or,

(b) A date requested by the officer and approved by the Secretary of the Navy, but not later than the first day of the seventh month after the month in which the Secretary approves the report of a selection board in which the officer is considered as having failed of selection for promotion to the next higher temporary grade for the second time.

(2) A temporary LDO with a permanent Regular warrant officer grade whose LDO appointment is terminated will be afforded the option, if otherwise eligible, of voluntary retirement in lieu of reversion to permanent warrant officer status. A temporary LDO who reverts to a permanent warrant officer status must do so prior to the first day of the seventh month after the second failure of selection for promotion as shown above, and is subject to involuntary retirement or separation as a warrant officer under the applicable statutes and directives.

(3) A temporary LDO with a permanent Regular enlisted status whose appointment is terminated will be afforded the option, if otherwise eligible, of voluntary retirement in lieu of reversion to permanent enlisted status. A temporary LDO who reverts to a permanent enlisted status is subject to Marine Corps Enlisted Career Force Controls or separation by reason of expiration of enlistment, when applicable.

(4) A temporary LDO not eligible for retirement under 10 U.S.C. 6323 and who has twice failed of selection for promotion to the next higher temporary grade, may either be:

(a) Retained on active duty in the temporary grade held, if within two years of such retirement eligibility as of the date the Secretary approves the report of the selection board in which the officer is considered as having failed of selection for promotion to the next higher temporary grade for the second time; or,

(b) Reverted to permanent warrant officer or enlisted status, as appropriate, if not within two years of attaining retirement eligibility.

4. Warrant Officers

a. Unless separated or retired under other provisions of law, warrant officers will be retired on the first day of the month 60 days after the completion of 30 years active service unless continued on active duty under the provisions of 10 U.S.C. 580 or 1305. In no case may a warrant officer be continued on active duty beyond 60 days after reaching age 62. Unless selected for continuation, warrant officers are separated or retired on:

(1) The first day of the seventh month after the date on which the Secretary of the Navy approves the report of a selection board upon which the individual is considered as having twice failed of selection to the next higher warrant officer grade or completion of 20 years of service, whichever date is later.

(2) Marine Corps policy directs that CWO3s who have twice failed selection and are not retirement eligible, if fully qualified, will be continued until they qualify for retirement. CWO3s who twice fail selection for promotion to CWO4 will be involuntarily retired no later than the first day of the seventh month after the date on which the Secretary approves the report of the promotion board in which the officer receives the second failure of selection. CWO4s who have twice failed selection to CWO4 may be selectively continued based on the needs of the Marine Corps.

(3) Marine Corps policy directs that CWO4s who have twice failed selection and are not retirement eligible, if fully qualified, will be continued until they qualify for retirement. CWO4s who twice fail selection for promotion to CWO5 will be involuntarily retired no later than the first day of the seventh month after the date on which the Secretary approves the report of the promotion board in which the officer receives the second failure of selection. CWO4s who have twice failed selection to CWO5 may be selectively continued based on the needs of the Marine Corps.

b. A warrant officer who has twice failed selection and is subject to involuntary separation, may at the warrant officer's request and in the discretion of the Secretary of the Navy be enlisted in a grade prescribed by the Secretary.

c. Selective Early Retirement of Regular Warrant Officers. The Secretary of the Navy may convene a selection board under 10 U.S.C. 573(c) to recommend regular warrant officers for early retirement as prescribed in 10 U.S.C. 581, whenever the needs of the Marine Corps require. The following provisions apply:

(1) Regular warrant officers above the grade of WO who are not on a list of warrant officers recommended for promotion and who are eligible for voluntary retirement may be considered.

(2) Warrant officers may be excluded from consideration if they have an approved request for voluntary retirement, or are subject to mandatory retirement during the fiscal year in which the board is convened or during the following fiscal year.

(3) Warrant officers selected will be retired no later than the first day of the seventh month after the month in which the Secretary of the Navy approves the report of the board.

(4) The Secretary of the Navy will prescribe the maximum number of warrant officers that may be selected.

5. Administration/Notification of Status. These administrative procedures shall not in any way jeopardize an officer's competitiveness for promotion. Upon final approval of any promotion board the CMC (MMSR) will:

a. Identify all officers potentially subject to involuntary retirement upon having once failed of selection;

b. Compute their projected mandatory retirement date should the officer incur a second failure of selection;

c. Notify those officers of their potential mandatory retirement date, should they incur a second failure of selection (failure to receive or acknowledge this notification will not in any way modify the mandatory retirement date); and,

d. Adjust the officers' MSR in MCTFS, upon a second failure of selection, for officers in the grade of O-4 and below.

e. It is each officer's responsibility to know their mandatory retirement date. Failure to receive CMC (MMSR) courtesy notification does not invalidate or defer retirements mandated by law. Officers in doubt as to the effective date of a statutory separation should immediately contact the CMC (MMSR).

6. Mandatory Retirements Held in Abeyance. Only the Secretary of the Navy has the authority to hold a mandatory retirement in abeyance. Strict adherence to procedures outlined in chapters 1 and 8 are crucial.

2006. LEAVE. See paragraph 1010.

2007. PHYSICAL EXAMINATIONS. See paragraph 1011.

2008. RETIREMENT CEREMONY. See paragraph 1012.

2009. RETIRED GRADE

1. An officer is retired in the grade in which satisfactorily served at the time of retirement, as specified in paragraph 2003. However, if the officer previously served in a higher grade than that held at the time of retirement, the officer may be eligible for advancement on the retired list. An officer will be advanced on the retired list to the highest officer grade in which the officer served satisfactorily under a temporary or permanent appointment as determined by the Secretary of the Navy. Requests for advancement are not required; this determination is made by the Secretary of the Navy as part of processing the retirement.

2. An officer, who is serving or has served in the grade of lieutenant general or general by reason of appointment for appropriate higher command or

2010

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

performance of duty of grave importance and responsibility, upon retirement, may be appointed by the President, by and with the advice and consent of the Senate, to the highest grade held while on the active list with retired pay based on that grade. However, retired pay of the higher grade based on such an appointment accrues from the date the commission is issued after confirmation by the Senate, regardless of the date of retirement.

3. The Comptroller General has ruled that military personnel may retire in the highest grade held in any Armed Force in which they served satisfactorily without regard to whether that grade was a temporary or permanent grade, even though the Armed Service in which the individual held that higher grade is not the Service in which retired.

2010. RETIRED PAY. See paragraph 1402.

2011. PAY ACCOUNTS. See paragraph 1403.

2012. CURRENT ADDRESS AND RESIDENCE OF RETIRED OFFICERS. See paragraph 1404.

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 2-1. Format for Orders to Release from Active Duty and Transfer to the Retired List

(Letterhead)

From: (Issuing Command)
To: (Marine Concerned)

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST

Ref: (a) Title 10, U.S. Code
(b) MCO P1900.16 (MARCORSEPMAN)
(c) JFTR, par U5130, U5230, and U5345-H
(d) MCO P5512.11
(e) MCO P1080.40A (MCTFSPRIM), par 4305
(f) MCO P1070.12 (IRAM)
(g) MCO P7301.104

Encl: (1) Retired Pay Data Form (DD Form 2656)
(2) Travel/Dependent Travel Voucher (DD Form 1351-2/1351-2C)
(3) Certificate of Retirement
(4) CMC ltr 1811 MMSR-2 of (date) w/encls

1. On (PRR) you will be placed on the Marine Corps Retired List per references (a) and (b). Accordingly, at 2359 (PRR minus 1 day) you will be detached from your present duty station and released from active duty. You will proceed to your home (MCC W95) and complete all travel within the time specified in reference (c). Active duty pay and allowances terminate (PRR minus 1 day).

2. As of (PRR), you will complete (TOT SVC) cumulative service of which (ACTIVE SVC) is active service. You had (INACTIVE SVC) inactive service and earned (INACDU POINTS) inactive duty points equivalent to (INACDU POINTS EQ) months for pay under reference (a). On (PRR minus 1 day), you will complete (RET PAY MULT SVC) service creditable for the retired pay multiplier.

3. Upon receipt of these orders notify your commanding officer of your desires regarding a retirement ceremony per reference (b).

4. Your commanding officer will issue an application for an identification card pursuant to reference (d), issue a DD Form 214, and report your retirement per reference (e).

5. Furnish the disbursing officer maintaining your active duty pay accounts a copy of these orders for settlement of your pay account.

6. Enclosure (1), to include a permanent mailing address, should be completed and submitted to your commanding officer or his representative. Your commanding officer is responsible for its forwarding 30 days prior to your approved retirement date to the Defense Finance and Accounting Service (DFAS), Cleveland Center (Code ROC), P.O. Box 99191, Cleveland, Ohio 44199-1126. Retain a copy of this form for your files. It is your documentation of your Survivor Benefit Plan (SBP) coverage election. Should this form not be received by DFAS, you will have your retired pay reduced to correspond to maximum SBP coverage and maximum tax withholding.

Figure 2-1. Format for Orders to Release from Active Duty and

Transfer to the Retired List

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 2-1. Format for Orders to Release from Active Duty and Transfer to the Retired List - Continued

Subj: RELEASE FROM ACTIVE DUTY AND TRANSFER TO THE RETIRED LIST

7. You have stated that your future address for mailing purposes is: . Report changes of address to the Defense Finance and Accounting Service, (Code ROA) at the address in paragraph 6. You may also telefax your address changes by calling 1-800-469-6559. Ensure you include your signature over your SSN.

8. You may select a home and receive travel allowance for the travel performed there from this command per reference (c), which also addresses travel and storage and shipment of household goods. Ensure you understand its contents prior to detaching from this command. All travel must be completed within 1 year from the date of your release from active duty and transfer to the retired list. Complete the home of selection endorsement prior to submission of these orders for settlement of travel. Once a home is selected and travel allowance is received for travel, the selection is irrevocable. If travel is completed within 60 days after the retirement date, forward enclosure (2) to the appropriate travel office at the last duty station; otherwise, submit it to the Defense Finance and Accounting Service, Kansas City Center, Travel Division (Code FJTG), 1500 East 95th Street, Kansas City, Missouri 64197-0001.

9. The officer having custody of your service record and health (medical and dental) record will forward the originals per reference (f). You should make and retain a personal copy of these records for safekeeping.

10. Enclosure (3) recognizes your retirement.

11. Enclosure (4) contains information and regulations regarding post government employment. You are required to comply with the reporting requirements therein.

12. Advise your commanding officer immediately should you be found not physically qualified for retirement. The CMC (MMSR-2) should be notified without delay via message with pertinent information and requesting disposition instructions.

13. You may wear your uniform from this command to your home, if travel is performed within 3 months after your release from active duty, and on such occasions as the wearing of the uniform is appropriate, under the Marine Corps Uniform Regulations.

14. Per reference (g) expenditures under these orders are chargeable to: (Cite pertinent appropriation data from reference (g)).

15. As a retired officer of the Regular Marine Corps, in time of war or national emergency declared by the President, the Secretary of the Navy may order you to active duty at sea or on shore.

Figure 2-1. Format for Orders to Release from Active Duty and Transfer to the Retired List - Continued

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 2-1. Format for Orders to Release from Active Duty and
Transfer to the Retired List - Continued

16. Your presence will be missed by your fellow Marines. We request that you continue to support them in their undertakings. On behalf of the Commandant of the Marine Corps and those with whom you have served, I express sincere appreciation for your faithful service and wish you health, happiness, and every success in the future.

By direction

Copy to:
Disbursing Officer
Officer Concerned
Service Record

Figure 2-1. Format for Orders to Release from Active Duty and
Transfer to the Retired List - Continued

MARINE CORPS SEPARATION AND RETIREMENT MANUAL

Figure 2-1. Format for Orders for Release from Active Duty and Transfer to the Retired List - Continued

HOME OF SELECTION ENDORSEMENT

I certify that I have selected (city), (state) as my home incident to transfer to the Retired List and arrived there on (date). I further certify and understand that this selection, once made and travel allowance is received for travel thereto, is irrevocable and no further entitlement to travel allowances shall accrue.

(Signature)

(Date)

NOTES:

1. All blank spaces should be filled with the appropriate data elements from the RETM screens in MCTFS.
2. The PRR/PRR minus 1 day date should be in "DD Month YYYY" format.
3. All other service data should be in "YY years, MM months, and DD days" format, as appropriate.
4. The following will be inserted as paragraph 3 to these orders for officers who are advanced on the retired list: "The Secretary of the Navy has determined that you are entitled to be advanced on the retired list, with retired pay computed on the basis of the higher rate of basic pay of the two grades involved. I take pleasure in transmitting as enclosure (1), your letter of advancement to the grade of _____."

Figure 2-1. Format for Orders to Release from Active Duty and Transfer to the Retired List - Continued